

RULES OF PROCEDURE ROWAN COUNTY PLANNING BOARD

Article I

Purpose

The purpose of the Rowan County Planning Board is to serve as an advisory board to the Rowan County Board of the Commissioners and to provide comprehensive, technical advice to the Commissioners on an array of land use, development, growth or other topics as directed.

Article II

Appointment and Term of Office

The Planning Board shall consist of nine (9) members. All terms of office shall be three (3) years. Members whose terms have expired may be reappointed no more than two (2) consecutive terms. Vacancies occurring for reasons other than expiration shall be filled as they occur for a period of the unexpired term. Members with an expired term may serve until a replacement has been appointed by the Board of Commissioners. The planning staff shall have an orientation meeting with newly appointed board members and present them a copy of these Rules and Procedures, ordinances and other pertinent documents.

Oath of Office

Prior to performing duties referenced in Chapter 17 and 21 of the Rowan County Code of Ordinances, new and reappointed members shall take an oath of office.

Article III

Officers and Duties

The officers of the Planning Board shall consist of a chair and a vice-chair.

Chair: The chair shall have the following powers and duties:

- A. To rule motions in or out of order, including the right to rule of order any motions patently offered for obstructive or dilatory purposes;
- B. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other member on this ground;
- C. Prescribe appropriate limits to speakers during Public Comment and Courtesy Hearings.
- D. To entertain and answer questions of parliamentary law or procedures;
- E. To call a brief recess at any time;

- F. To adjourn in an emergency;
- G. To appoint members to all standing and temporary committees; and
- H. Shall exercise full voting rights on all matters under consideration.

Vice-chair: The vice-chair shall have all powers and duties of the chair in the absence of the chair at any meeting.

Secretary: A secretary shall be appointed by the Planning Director from the personnel of Rowan County. The secretary shall have the following powers and duties:

- A. To receive matter for board consideration, prepare and send agendas to all members and the public as requested;
- B. To prepare and maintain minutes and other records of all regular and special meetings. Minutes maintained by the secretary shall be made available for public inspection during regular business hours after the board has approved the minutes; and
- C. To contact board members in the event there is no monthly business and prepare a notice of cancellation.

In the absence of both the chair and the vice-chair from a meeting of the Planning Board, the members present shall elect a temporary chair for that meeting and proceed with the order of business.

Article IV

Election of Officers

Election of officers shall occur at the regular Planning Board meeting for the month of January as the first item of business after the approval of the minutes of the previous meeting. Officers elected at the meeting shall take office immediately following their election. Nominations shall be made from the floor and elections of officers shall follow immediately. The nominations and election of a chair shall precede the nomination and election of a vice-chair. A candidate receiving a majority vote of the entire membership of the Planning Board shall be declared elected. Vacancies in any office shall be filled immediately following the regular election procedure for the remaining term of office.

Article V

Meetings

Regular Meetings: Regular meetings shall be held on the fourth (4th) Monday of each month at a time and place approved by a majority of the members of the board. If the regular meeting day falls on a legal holiday, the meeting shall be held on the next business day unless otherwise established by the board.

Attendance: Faithful attendance at the regular monthly meetings of the Planning Board is considered a prerequisite of membership on the board. Planning Board members may be removed by the Board of Commissioners for reasons stated in Section 17-27 of the Rowan County Code of Ordinances.

Special Meetings: Special meetings may be called at any time by the chair or a majority of the board members by giving actual notice of the time and place of the meeting and the subjects to be considered to each board member at least forty-eight (48) hours before the meeting. If reasonable efforts to give each member actual notice are not successful, written notice shall be left at the member's home. Only those items of business contained in the notice may be transacted at the meeting unless all members are present.

Quorum: A quorum shall consist of five (5) members of the board. The minimum number of votes necessary to act on a motion or conduct other business shall be five (5). All voting shall be recorded.

Conflict of Interest:

Participation Prohibited – Per Section 21-315 (2) a. of the *Rowan County Zoning Ordinance*, no member of the board shall seek to influence a decision, participate in any action or cast a vote involving any matter where the outcome of the matter being considered is likely to have a direct, substantial and readily identifiable financial impact on the member. A board member who determines that there exists a conflict of interest shall declare the existence of a conflict and the board shall take a vote on whether or not the member shall refrain from any participation, deliberation or vote on the matter. Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. Additionally, members shall not vote on any zoning map or text amendment if the applicable landowner or applicant of the petition is a person with whom the member has a close familial relationship defined as immediate family by the Zoning Ordinance in addition to one's spouse.

Contact with Parties Involved in Applications – The courtesy hearing is the primary place where petitioners and others interested in requests for zoning map and text amendments should present opinions and information concerning the requests. Contact between interested parties and board members prior to the courtesy hearing should be avoided. Board members shall not accept any gift, meal or any other item of value from any party involved in a request. Board members should not indicate their positions regarding requests prior to receiving all information presented at the courtesy hearing.

Agenda: The secretary to the board shall prepare an agenda for all meetings. A request to have an item of business placed on the agenda must be received twenty-one (21) business days before the meeting. Any board member may, by a timely request, have an item placed on the agenda. The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Each board member shall receive a copy of the agenda and it shall be available for public inspection and / or distribution when it is distributed to the board members. The board may, by majority vote, add an item that is not on the agenda.

Public Comment: The public may address the board during a regular meeting by making a request to the secretary to the board to be on the agenda. However, the board shall determine at the meeting whether it will hear the individual or group.

Meeting Duration: The meeting of the board shall be limited to a two-hour duration unless extended by the majority vote of the board for a specified period of time.

Order of Business: The board's business shall be placed on the agenda according to the Order of Business. The order of business for each regular meeting shall be as follows:

1. Call meeting to order
2. Invocation / pledge of allegiance
3. Determination of quorum
4. Approval of minutes
5. Adoption of agenda
6. Public comment
7. Courtesy hearing
8. Committee reports
9. Other business
10. Adjournment

However, by general consent of the board, items may be considered out of order.

Article VI

Committees

The chair shall appoint each board member to one of two (2) committees. Each committee shall consist of five (5) board members with the Planning Board Chair serving on both committees and one member serving as the committee chair. The committees are responsible for studying proposed text amendments, large-scale map amendments and other requests as directed. Each decision made by the committee shall be forwarded to the Planning Board as a motion to approve or deny the request. A quorum for a committee meeting shall consist of three (3) members. A committee meeting shall be open to the general public, but is not a courtesy hearing. Public comment during a committee meeting is not required, but may be allowed at the discretion of the chair.

Article VII

Procedure

Map Amendments (Rezoning) & Text Amendments: Rezoning items and text amendments on the agenda shall follow the following format:

1. Chair announces the request for consideration

2. Staff reviews the request and provides any comment and / or recommendation
3. Board questions to staff on the report, if needed
4. Chair requests applicant comments regarding the request
5. Chair requests public comments regarding the request
 - a. Comments supporting the request
 - b. Comments opposing the request
6. Chair requests applicant response to public comments regarding the request
7. At the close of the public and applicant comments, the board deliberates
8. Develop statement of reasonableness and consistency as applicable
9. Motion for board action, with second
10. Board discussion on the motion, if needed
11. Board vote on the motion

The Planning Board shall provide a non-binding recommendation to the Board of Commissioners on all such amendment requests within thirty (30) days of first consideration of the request with the exception of a text amendment assigned to a subcommittee. Failure of the Planning Board to transmit its recommendation within thirty (30) days after first consideration of an amendment or a referral by the Board of Commissioners may allow the Board of Commissioners to proceed in its consideration of the amendment without the Planning Board recommendation.

In the event the applicant (or representative) fails to appear in person, the request may be tabled at the discretion of the board.

Procedural Process:

Action by the board shall proceed by a motion, followed by a second to the motion. Any member, including the chair, may make a motion or a second. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by county ordinance, by these rules, or the laws of North Carolina. The chair shall state the motion and then open the floor to debate on it. The chair shall preside over the debate according to the following general principles:

1. The member who makes the motion is entitled to speak first
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority the procedural motions are as follows:

1. **To Adjourn.** The motion may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.
2. **To Take a Recess.** This motion is not debatable and the length of time for the recess shall be stated in the motion.
3. **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
4. **To Suspend the Rules.** For adoption, the motion requires a vote equal to the number required for a quorum.
5. **To Divide a Complex Motion and Consider It by Parts.**
6. **To Defer Consideration.** A substantive motion consideration of that has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
7. **Call of the Previous Question.** The motion is not in order until there has been at least twenty (20) minutes of debate, or every member has had an opportunity to speak once.
8. **To Postpone to a Certain Time or Day.**
9. **To Refer to a Committee.** Sixty (60) days after a motion has been referred to a committee, any member may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
10. **To Amend.** An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.
11. **To Revive Consideration.** The motion is in order any time one hundred (100) days after a vote to defer consideration. A substantive motion consideration of which has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
12. **To Reconsider.** A member who voted with the prevailing side must make the motion. It must be made at the same meeting as the vote was taken. It cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
13. **To Rescind or Repeal.** A motion may be withdrawn by the introducer at any time before a vote.

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of remaining members present. No member shall be excused from voting except on matters involving a conflict of interest referenced in Article V. In all other cases, a failure to vote by a member who is present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Article VIII

Courtesy Hearings

Courtesy hearings required by law or deemed advisable by the board shall be organized by an order of the chair setting forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker, etc. At the appointed time, the chair or his / her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak that has not done so, the chair or his designee shall declare the hearing ended.

Article IX

Amendments

These Rules of Procedure may be amended by a majority vote of the board provided that the proposed change shall have been submitted in writing at the previous regular meeting of the board.

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the board shall refer to Robert's Rules of Order, Revised, for unresolved procedural questions.

Adopted by the Rowan County Planning Board on the 26th day of April, 1989.

(Amended July 15, 1991)
(Amended February 17, 1992)
(Amended October 25, 2010)
(Amended April 22, 2013)
(Amended November 22, 2021)